REMARKS

Claims 1-71 were pending and presented for examination. In an Office action dated March 26, 2008, claims 1-71 were rejected. Applicants thank Examiner for examination of the claims pending in this application and addresses Examiner's comments below. Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

Response to Rejections Under 35 USC 103(a)

In the 4th paragraph of the Office Action, the Examiner rejected claims 1, 2, 6-8, 19, 20, 22, 26-31, 35-37, 48, 49, 51, 52, 56-58, and 67-71 under 35 USC § 103(a) as allegedly being unpatentable over Narushima (USPN 6,774,951) in view of Kubota (U.S. Pat. Appl. Pub. 2003/0084462) and Marggraff (USPN 6,750,978). This rejection now is traversed.

As amended, independent claims 1, 30, and 51 respectively recite printers and a method comprising, *inter alia*, "a media processing system …creating a printed representation of [] time-based media and determining an electronic representation of the time-based media, wherein the printed representation includes…**a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation"** (emphasis added).

These aspects of the claimed invention are not disclosed or suggested by the cited references, considered alone or in the combination proposed by the Examiner. As a preliminary matter, the Examiner admits that neither Narushima nor Kubota disclose a plurality of machine-readable codes, such as bar codes, that associate time locations within an electronic

representation with a plurality of times represented in a printed representation. *See* Office Action dated March 26, 2008, p. 4 ("Office Action" herein).

Marggraff does not remedy the deficiencies of Narushima and Kubota. Marggraff merely discloses an interactive information system in accordance with educational toy products such as those produced by Leapfrog Enterprises, Inc., commonly referred to as "Leapfrog books." *See* Marggraff, Abstract. Specifically, Marggraff does not teach creating a **printed representation** of anything. Marggraff teaches a system for interacting with an existing printed medium. At best, Marggraff teaches the *interpretation* of a print medium, but not the **printing** or **creation** of a printed representation. Hence, Marggraff does not teach "**creating a printed representation**…and determining an electronic representation…wherein the printed representation includes…a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation," as claimed.

The Examiner next cites two independent aspects of Marggraff as allegedly disclosing "printing a plurality of machine-readable codes that associate time locations within the electronic representation of music." *See* Office Action, par. 2, citing Marggraff, col. 6, l. 63 to col. 7, l. 3 and col. 7, ll. 42-65. Applicants respectfully disagree that the combined sections disclose or even suggest this limitation. The first aspect merely recites a list of previously printed print media types that may be used with the system of Marggraff, including "music sheets." *See* Marggraff, col. 6, l. 63 to col. 7, l. 3. The second aspect merely recites selectable regions that provide responses, for example playing music. *See* Marggraff, col. 7, ll. 61-63. The Examiner concludes from these aspects that "[d]ifferent regions of sheet music would naturally provide an association with different time locations. If there is a plurality of selectable regions in the print

medium, the print medium corresponding to sheet music, then the printed machine-readable codes which produce the associated audio music associate time locations within the electronic representation of the music." *See* Office Action, p. 2. This conclusion simply does not follow from the disclosure of Marggraff; the Examiner has made a significant logical jump that can result only from improper hindsight gleaned solely from Applicants' specification. *See* MPEP 2145 (Examiner's rationale may "not include knowledge gleaned only from applicant's disclosure"). Assuming sheet music as the media type, the different regions of the sheet music would *not* "naturally provide an association with different time locations" as the Examiner asserts: rather, the portions could be music notes that when selected say the associated note (e.g., "E"), or play a note, or play the entire song associated with the sheet. Nowhere does Marggraff suggest that music played could be associated with any particular **time location** within a piece. Thus, Marggraff does not disclose or suggest "creating a printed representation includ[ing] …a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation."

Further, Marggraff does not make use of "a plurality of bar codes." Rather, Marggraff identifies portions ("elements") of a print medium based on their position (*e.g.*, location on print medium), using an electronic position determining system. *See* Marggraff, col. 2, ll. 34-49; col. 6, ll. 33-50. In this manner, Marggraff uses the *location* of print elements on the print medium to identify print elements. At best, Marggraff discloses the presence of a single "machine-readable symbol" for identifying the print medium as a whole. *See* Marggraff, col. 8, ll. 64-67. Moreover, Marggraff **teaches away** from the idea of producing multiple barcodes on a print medium as reducing aesthetic appeal, increasing expense, and making printing and scanning more difficult. *See* Marggraff, col. 2, ll. 4-19; col. 6, ll. 50-62. Contrary to the Examiner's

assertion that "Marggraff solves the problems of greater difficulty and greater expense associated with printing a plurality of barcodes, and does not require special printing processes to print the plurality of barcodes" (Office Action, p. 2), Marggraff does not "solve" or "overcome" these problems, but rather *sidesteps* them by *not printing* a plurality of barcodes. *See, e.g.,* Marggraff, col. 6, ll. 46-53 ("ability to interact with print medium is not dependent upon the characteristics of the print element. For example… need not have a particular shape, configuration, or code to render the print medium interactive."); col. 21, ll. 3-6 ("Unlike…bar code, the symbol 110 may be aesthetically pleasing since its selectability does not depend on the particular geometry of the symbol 110 itself"). Thus, Marggraff "does not require special printing processes" **because** Marggraff does not print a plurality of barcodes. at all, again, as shown above. Therefore, Marggraff does in fact teach away from the idea of producing multiple barcodes on a printed medium.

Thus, the deficient disclosures of Narushima, Kubota, and Marggraff, considered either alone or in the combination suggested by the Examiner, fail to establish even a *prima facie* basis from which a proper determination of obviousness under 35 U.S.C. § 103(a) can be made. Further, the modifications the Examiner suggests to Marggraff, per the above teaching away discussion, emphasize that such modification would impermissibly change the principle of operation of the reference (MPEP 2143.01 VI.) and would take the cited aspects of Marggraff well beyond its "established functions," precluding the "predictability" of such combining, such that the claimed invention is "more than a predictable use of [these] prior art elements according to their established functions." *See KSR*, 127 S.Ct. 1727, 1739 (2007).

Thus, Applicants submit that claims 1, 30, and 51 are patentably distinguishable over the cited references.

Claims 2, 6-8, 19, 20, 22, 26-29, 31, 35-37, 48, 49, 52, 56-58, 67, and 68 variously depend from claims 1, 30, and 51, which were shown above to be patentable over the cited references. In addition, these claims recite additional patentably distinguishable features not shown in the cited references. For at least these reasons, Applicants submit that claims 2, 6-8, 19, 20, 22, 26-29, 31, 35-37, 48, 49, 52, 56-58, 67, and 68 also are patentably distinguishable over the cited references.

Claims 69-71 have been canceled without prejudice or disclaimer, rendering their rejection moot.

In the 5th paragraph, claims 3, 4, 11, 32, 33, 40, 53, 54 and 61 are rejected as allegedly being unpatentable over Narushima, Kubota, Marggraff, and Takahashi (USPN 6,674,538). This rejection now is traversed.

Claims 3, 4, 11, 32, 33, 40, 53, 54 and 61 variously depend from claims 1, 30, and 51, which were shown above to be patentably distinct over Narushima, Kubota, and Marggraff, alone or in the suggested combination. Takahashi does not remedy the above-stated deficiencies of Narushima, Kubota, and Marggraff, nor does the Examiner assert that it does. Rather, Takahashi is cited merely to show an interface comprising a video input device selected form a group consisting of: a DVD reader, a video cassette tape reader, and a flash card reader. Even assuming *arguendo* that Takahashi shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Takahashi of "a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation" as claimed. Thus, Applicants submit that claims 3, 4, 11, 32, 33, 40, 53, 54 and 61 are patentable over Narushima, Kubota, Marggraff, and Takahashi, alone or in the

combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 6th paragraph, claims 5, 12, 34, 41, 55 and 62 are rejected as allegedly being unpatentable over Narushima, Kubota, Marggraff, and Assis (USPN 5,661,783). This rejection now is traversed.

Claims 5, 12, 34, 41, 55 and 62 variously depend from claims 1, 30, and 51, which were shown above to be patentably distinct over Narushima, Kubota, and Marggraff, alone or in the suggested combination. Assis does not remedy the above-stated deficiencies of Narushima, Kubota, and Marggraff, nor does the Examiner assert that it does. Rather, Assis is cited merely to show an interface comprising an embedded audio recorder, wherein an external source of media is a series of sounds that are converted into an electrical format by the embedded audio recorder and then provided to a media processing system. Even assuming *arguendo* that Assis shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Assis of "a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation" as claimed. Thus, Applicants submit that claims 5, 12, 34, 41, 55 and 62 are patentable over Narushima, Kubota, Marggraff, and Assis, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 7th paragraph, claims 9, 38, and 59 are rejected as allegedly being unpatentable over Narushima, Kubota, Marggraff, and Conway (USPN 5,444,476). This rejection now is traversed.

Claims 9, 38, and 59 variously depend from claims 1, 30, and 51, which were shown above to be patentably distinct over Narushima, Kubota, and Marggraff, alone or in the

suggested combination. Conway does not remedy the above-stated deficiencies of Narushima, Kubota, and Marggraff, nor does the Examiner assert that it does. Rather, Conway is cited merely to show an interface comprising embedded screen capture hardware. Even assuming *arguendo* that Conway shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Conway of "a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation" as claimed. Thus, Applicants submit that claims 9, 38, and 59 are patentable over Narushima, Kubota, Marggraff, and Conway, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 8th paragraph claims 10, 39, and 60 are rejected as allegedly being unpatentable over Narushima, Kubota, Marggraff, and Hon (USPN 4,907,973). This rejection now is traversed.

Claims 10, 39, and 60 variously depend from claims 1, 30, and 51, which were shown above to be patentably distinct over Narushima, Kubota, and Marggraff, alone or in the suggested combination. Hon does not remedy the above-stated deficiencies of Narushima, Kubota, and Marggraff, nor does the Examiner assert that it does. Rather, Hon is cited merely to show an interface comprising an ultrasonic pen capture device. Even assuming *arguendo* that Hon shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Hon of "a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation" as claimed. Thus, Applicants submit that claims 10, 39, and 60 are patentable over Narushima, Kubota, Marggraff, and Hon, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 9th paragraph claims 13, 14, 42, 43, and 63-66 are rejected as allegedly being unpatentable over Narushima, Kubota, Marggraff, and Reed (USPN 6,665,092). This rejection now is traversed.

Claims 13, 14, 42, 43, and 63-66 variously depend from claims 1, 30, and 51, which were shown above to be patentably distinct over Narushima, Kubota, and Marggraff, alone or in the suggested combination. Reed does not remedy the above-stated deficiencies of Narushima, Kubota, and Marggraff, nor does the Examiner assert that it does. Rather, Reed is cited merely to show an electronic output system configured to write an electronic representation to a removable media storage device such as a computer disk and a computer-readable medium. Even assuming *arguendo* that Reed shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Reed of "a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation" as claimed. Thus, Applicants submit that claims 13, 14, 42, 43, and 63-66 are patentable over Narushima, Kubota, Marggraff, and Reed, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 10th paragraph claims 15, 16, 44, and 45 are rejected as allegedly being unpatentable over Narushima, Kubota, Marggraff, Reed, and Fujita (USPN 5,903,538). This rejection now is traversed.

Claims 15, 16, 44, and 45 variously depend from claims 1 and 30, which were shown above to be patentably distinct over Narushima, Kubota, and Marggraff, alone or in the suggested combination. Neither Reed nor Fujita, alone or together, remedy the above-stated deficiencies of Narushima, Kubota, and Marggraff, nor does the Examiner assert that they do. Rather, Reed and Fujita are cited merely to show storing video to a removable medium and an

output system comprising a handling mechanism to accommodate a plurality of removable storage devices, wherein the handling mechanism is a tray. Even assuming *arguendo* that Reed and Fujita show that which the Examiner cites them for, Applicants can find no disclosure or suggestion in Reed or Fujita of "a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation" as claimed. Thus, Applicants submit that claims 15, 16, 44, and 45 are patentable over Narushima, Kubota, Marggraff, Reed, and Fujita, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 11th paragraph claims 17, 18, 46, and 47 are rejected as allegedly being unpatentable over Narushima, Kubota, Marggraff, and Howald (USPN 6,153,667). This rejection now is traversed.

Claims 17, 18, 46, and 47 variously depend from claims 1 and 30, which were shown above to be patentably distinct over Narushima, Kubota, and Marggraff, alone or in the suggested combination. Howald does not remedy the above-stated deficiencies of Narushima, Kubota, and Marggraff, nor does the Examiner assert that it does. Rather, Howald is cited merely to show an electronic output system comprising a disposable media writer or a self-destructing media writer. Even assuming *arguendo* that Howald shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Howald of "a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation" as claimed. Thus, Applicants submit that claims 17, 18, 46, and 47 are patentable over Narushima, Kubota, Marggraff, and Howald, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 12th paragraph claims 21 and 50 are rejected as allegedly being unpatentable over Narushima, Kubota, Marggraff, and Official Notice. This rejection now is traversed.

Claims 21 and 50 variously depend from claims 1 and 30, which were shown above to be patentably distinct over Narushima, Kubota, and Marggraff, alone or in the suggested combination. Well-known prior art does not remedy the above-stated deficiencies of Narushima, Kubota, and Marggraff, nor does the Examiner assert that it does. Rather, well-known prior art is cited merely to show an electronic output system comprising an embedded web page display. Even assuming *arguendo* that well-known prior art shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in well-known prior art of "a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation" as claimed. Thus, Applicants submit that claims 21 and 50 are patentable over Narushima, Kubota, Marggraff, and well-known prior art, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 13th paragraph claims 23 and 24 are rejected as allegedly being unpatentable over Narushima, Kubota, Marggraff, and Perkins (USPN 6,106,457). This rejection now is traversed.

Claims 23 and 24 variously depend from claim 1, which was shown above to be patentably distinct over Narushima, Kubota, and Marggraff, alone or in the suggested combination. Perkins does not remedy the above-stated deficiencies of Narushima, Kubota, and Marggraff, nor does the Examiner assert that it does. Rather, Perkins is cited merely to show a media processing system comprising an embedded audio encryption module and embedded video encryption module. Even assuming *arguendo* that Perkins shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Perkins of "a plurality of bar codes

that associate time locations within the electronic representation with the plurality of times represented in the printed representation" as claimed. Thus, Applicants submit that claims 23 and 24 are patentable over Narushima, Kubota, Marggraff, and Perkins, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 14th paragraph claim 25 is rejected as allegedly being unpatentable over Narushima, Kubota, Marggraff, and Markow (USPN 6,175,489). This rejection now is traversed.

Claim 25 depends from claim 1, which was shown above to be patentably distinct over Narushima, Kubota, and Marggraff, alone or in the suggested combination. Markow does not remedy the above-stated deficiencies of Narushima, Kubota, and Marggraff, nor does the Examiner assert that it does. Rather, Markow is cited merely to show a media processing system comprising an embedded audio sound localization module. Even assuming *arguendo* that Markow shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Markow of "a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation" as claimed. Thus, Applicants submit that claim 25 is patentable over Narushima, Kubota, Marggraff, and Markow, alone or in the combination suggested by the Examiner, by reason of its dependency and the further limitations recited therein.

Conclusion

In sum, Applicants respectfully submit that claims 1-68, as presented herein, are patentably distinguishable over the cited references. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicants respectfully invite the Examiner to contact Applicants' representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,
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